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SEP 29 1998

Paper No. 7

*In re* Application of Janay et al

Appl. No.: 08/889,975

Filed: July 10, 1997

For: CONFIGURABLE TERMINAL CAPABLE OF  
COMMUNICATING WITH VARIOUS REMOTE  
COMPUTERS

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: **DECISION ON PETITION TO**  
: **MAKE SPECIAL**  
: *37 CFR 1.102*  
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This is a decision on the petition under 37 CFR 1.102, filed January 15, 1998, to make the above-identified application special.

Petitioner requests that this application be made special under the accelerated examination procedure set forth in MPEP 708.02, Section VIII: Accelerated Examination

A grantable petition to make an application special under 37 CFR 1.102 and in accordance with MPEP 708.02, Section VIII, must be accompanied by:

- (a) the required fee pursuant to 37 CFR 1.17(i),
- (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the PTO hold that the claims are not directed to a single invention,
- (c) a statement that a pre-examination search has been made, listing the field of search,
- (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and
- (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

In response to a telephone conference, on September 22, 1998, between applicants' representative, Jeffrey Kaplan, and the undersigned, applicants, on September 28, 1998,

supplemented the original petition with the prior art discussed in that petition. In that September 28, 1998 prior art submission, applicants referred to two additional references (U.S. 5,502,839 and 5,045,994). Neither reference was discussed in the petition to make special nor was a copy of either reference included in the prior art submission. The totality of the petition filed January 15, 1998 and the prior art submission filed September 28, 1998 technically meet the requirements for special status since copies of all references discussed in the petition have been provided. **However, for a complete file record, since applicant has discussed the two other references noted above, copies should be submitted along with a statement of how the claimed invention distinguishes from those references.**

For the above stated reasons, the petition is Granted.

If the examiner can make this application special without prejudice to any possible interfering application, and the examiner should make a rigid search for such, the examiner is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any intervening application for the same subject matter, the examiner should consider such application simultaneously with this application and should state in the official letter of such application that the examiner has taken it out of turn because of a possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all PTO officials concerned, contingent like upon diligent prosecution by applicant.

Upon allowance, this application will be given priority for printing. See MPEP 1309.

The petition is granted to the extent indicated.



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